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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARLOS E. KEPKE,

Defendant.

Criminal No. 3:21-CR-00155-JD

STIPULATION TO EXCLUDE
TIME FROM JANUARY 24, 2022
THROUGH NOVEMBER 28, 2022
AND [PROPOSED] ORDER

It is hereby stipulated by and between counsel for the United States and counsel for the Defendant Carlos E. Kepke, that time be excluded under the Speedy Trial Act from January 24, 2022 through November 28, 2022.

At the Trial Setting Conference held on January 24, 2022 the government and counsel for Defendant agreed that time be excluded under the Speedy Trial Act through March 21, 2022 so that defense counsel could continue to prepare for trial. At the Status Conference held on March 21, 2022 the parties informed the Court that they continue to work together to prepare the case for trial on November 28, 2022. The government and counsel for Defendant hereby stipulate and agree that time be

1 excluded under the Speedy Trial Act so that defense counsel can continue to prepare, including by
 2 reviewing the voluminous discovery that has already been produced. The government and counsel for
 3 Defendant further hereby stipulate and agree that this matter is complex, as defined in 18 U.S.C. §
 4 3161(h)(7)(B)(ii), due to the breadth and duration of the conduct alleged in the Indictment, and the fact
 5 that the discovery is voluminous.

6 For these reasons, and as further stated on the record, the parties stipulate and agree to exclude
 7 time until November 28, 2022 and further stipulate and agree that the ends of justice served by
 8 excluding the time from January 24, 2022 through November 28, 2022 from computation under the
 9 Speedy Trial Act outweighs the best interests of the public and Defendant in a speedy trial. 18 U.S.C. §§
 10 3161(h)(1)(D), (h)(7)(A), (h)(7)(B)(ii), (h)(7)(B)(iv).

11 The undersigned Assistant United States Attorney certifies that he has obtained approval from
 12 counsel for Defendant to file this stipulation and proposed order.

13
 14 IT IS SO STIPULATED.

15 STEPHANIE M. HINDS
 16 United States Attorney

17 s/ Michael G. Pitman
 18 MICHAEL G. PITMAN
 19 Assistant United States Attorney
 20 COREY J. SMITH
 21 Senior Litigation Counsel

22 Attorneys for United States of America

23 s/ Grant P. Fondo
 24 GRANT P. FONDO

25 Attorney for Defendant Carlos E. Kepke

26 [PROPOSED] ORDER

27 Based upon the facts set forth in the stipulation of the parties and the representations made to the
 28 Court on January 24, 2022 and March 21, 2022, and for good cause shown, the Court finds that time

1 should be excluded from January 24, 2022 through November 28, 2022 under the Speedy Trial Act
2 because of the complexity of the case, and also that failing to exclude the time from January 24, 2022
3 through November 28, 2022 would unreasonably deny defense counsel and Defendant the reasonable
4 time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §§
5 3161(h)(1)(D), (h)(7)(A), (h)(7)(B)(ii), (h)(7)(B)(iv). The Court further finds that the ends of justice
6 served by excluding the time from January 24, 2022 through November 28, 2022 from computation
7 under the Speedy Trial Act outweigh the best interests of the public and Defendant in a speedy trial.
8 Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from January
9 24, 2022 through November 28, 2022 shall be excluded from computation under the Speedy Trial Act.

10
11 IT IS SO ORDERED.

12
13 DATED: _____

JAMES DONATO
United States District Judge